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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,207	09/25/2003	Aswin Chandramouleeswaran	200312616-1	2153

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EXAMINER

TRAN, VINCENT HUY

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,207

Applicant(s)

CHANDRAMOULEESWARAN ET AL.

Examiner

Vincent T. Tran

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are pending for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Unix System Administration of Fiamingo (Fiamingo).

4. As per claim 1, Fiamingo disclose a user defined tunable [page 1 of chapter 8.2.5], comprising:

a tunable name [p. 7 table 2 – Kernel variable];

an assigned value [table 2 – Variable value];

an expressions that related one or more kernel tunables to the user defined tunable [table 2 col. 3 row 3 – $\text{max_nprocs}^1 + 16 + \text{maxusers} + 64$], each of the kernel tunables having a parameter value defined by an expression, wherein a change to the assigned value of the user-defined tunable changes the parameter value of each of the kernel tunables.[inherent].

¹ max_nproc a related kernel tunables.

6. As per claim 3, Fiamingo disclose the expression relating the user defined tunable to the one or more kernel tunables is of the form of an arithmetic expression involving integers and other tunable names [table 2 p. 7; line 1 of p. 7 set module:variable = value].

7. As per claim 4, Fiamingo disclose the arithmetic expression [table 2 p. 7].

8. As per claim 5, Fiamingo disclose the user defined tunable is changed using kernel configuration tools [inherent p. 1 – select kernel parameter values by using the /usr/sbin/sysdef command].

9. As per claim 6, Fiamingo disclose the assigned value and the expression use C programming syntax [table 2 p. 7 – $10+16*\text{maxusers}$] , and where in the assigned value may in one of decimal, octal, or hexadecimal format [10 and 16 are decimal format].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiamingo as applied to claim 1 above, and further in view of Shearer, Jr. et al. U.S. 6,272,519.

12. As per claim 7, Fiamingo does not teach expressly that the user defined tunable may be deleted.

Shearer, Jr. et al. teach another method for enabling the altering or replacing of the kernel tuning parameters. Specifically, Shearer, Jr. et al. teach the user defined tunable may be deleted [col. 9 lines 20-25]. Therefore, it would have been obvious to one of ordinary skill in the art to have modified the system of Fiamingo with the delete command of Shearer, Jr. et al. since the delete command is well known in the art of software.

13. Claims 8-9, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan US 20030023707.

14. As per claim 8, Ryan teaches an apparatus that provides user-defined tunable for used in UNIX operating system, comprising:

- a system administrator interface [paragraph 0056], comprising:

- a user-defined tunable creation option [paragraph 0015, 0056-0057], and

- a system administrator controlled value assignment option [0095];

- a tunable repository that stores the user-defined tunables [212 fig. 4];

kernel configuration tools that read the user defined tunables from the tunable repository and relate the user defined tunables to a kernel in the operating system [paragraph 0058].

Ryan does not teach the operating system is of UNIX flat from. However, Ryan specifically teach the software components may including Oracle, Veritas, Window, Linux, and Sun Solasris [paragraph 0046]. Therefore, it is obvious to one of ordinary skill in the art that the

system of Ryan including the claimed UNIX operating system because the special functions performed by the specific operating system do not affect the basis operation of the Ryan system.

15. As per claim 9, Ryan teaches the kernel comprises kernel tunables, and wherein the system administrator interface further comprises means to change values assigned to kernel tunables [paragraph 0010, 0056].

16. As per claim 13, Ryan teaches the means for listing one or more kernel tunables and user-defined tunables [paragraph 0052, 0056].

17. As per claim 14, Ryan teaches the means for listing comprises a verbose option [inherent], wherein a complete description of the kernel tunables is presented [paragraph 0057].

18. As per claim 15, well know in the art of kernel tunables.

19. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan as applied to claim 8 above, and further in view of Fiamingo.

20. Ryan teaches the means to change values assigned to the kernel tunables comprises an option that allows a system administrator to modify a kernel tunable [paragraph 0010, 0052].

However, Ryan does not teach the modifying of an integer value.

Fiamingo teaches another mechanism to modify the kernel tunable parameters. Specifically, Fiamingo teaches the option that allow the system administrator to modify an

integer value assigned to a kernel tunable [p. 7]. At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Ryan with the option to modify an integer value assigned to a kernel tunable of Fiamingo since the changing of the integer value of a kernel tunable is well know in the art of kernel tunable modification.

21. As per claim 11, Fiamingo teaches the kernel tunable is related to a user defined tunable by an expression, and wherein the means for changing values assigned to kernel modules comprises an option wherein a system administrator change the expression relating the kernel tunable and the user-defined tunable [table 2 p. 7].

22. As per claim 12, see claim 7.

23. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shearer, Jr. et al. in view of Fiamingo.

24. As per claim 16, Shearer, Jr. et al. teach a method for implementing user-defined tunables in a UNIX operating system [col. 5 lines 50-55]comprising:

creating a user-defined tunables [col. 5 lines 56-64; col. 4 lines 28-32];

Shearer, Jr. et al. teach the creating of new resource control table [kernel tunable – col. 2 lines 24-25] wherein each resource control table has one or more entries, and each entry has associated therewith a kernel identifier [col. 6 lines 23-27]. However, Shearer, Jr. et al do not

teach expressly using an expression, relating the user defined tunable to one or more kernel tunables.

Fiamingo teaches another method for tuning kernel parameters. Specifically, Fiamingo teaches [from table 2-p. 7] using an expression, relating a tunable [ncsize] to one or more kernel tunables [max_nprocs].

At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the system of Shearer Jr. et al. with the using of an expression of Fiamingo to relate the user defined tunable to one or more kernel tunable since this method is well know in the art of kernel tunables.

25. As per claim 17, Fiamingo teaches modifying a value of the tunable, wherein values of the one or ore related kernel tunables are changed [p. 7]. Therefore, it is obvious to one of ordinary skill in the art that the system of Shearer, Jr. et al. modified by Fiamingo teaches the modification of the value in the user defined tunable.

26. As per claim 18, it is obvious that the system of Shearer, Jr. et al. modified by Fiamingo teaches the modifying of the expression relating the user-defined tunable and the one or more kernel tunables, wherein modifying the expression changes values of the one or more kernel tunables [p. 7 of Fiamingo].

27. As per claim 19-20, the combine teachings of Shearer, Jr. et al. and Fiamingo teach the method for implementing user-defined tunable. Therefore, Shearer, Jr. et al. and Fiamingo teach

the computer readable medium having code to implement the user-defined tunable to perform the claimed method.

Conclusion

Examiner's note:

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Prior Art not relied upon:

Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent Tran.



CHUN CAO
PRIMARY EXAMINER